

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**FOOD NOT BOMBS HOUSTON,
BRANDON WALSH,**

Plaintiffs

v.

THE CITY OF HOUSTON, TEXAS,

Defendant

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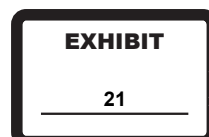
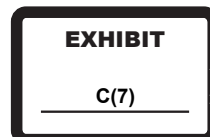
C.A. NO. 4:24-CV-338

Judge Andrew Hanen

**DEFENDANT THE CITY OF HOUSTON, TEXAS’S OBJECTIONS AND
ANSWERS TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

TO: Plaintiffs Food Not Bombs Houston and Brandon Walsh, by and through their attorney of record, Randall Hiroshige, Dustin Rynders and Travis Fife of Texas Civil Rights Project, 1405 Montopolis, Austin, Texas 78741 and Remington Alessi of Alessi Legal PLLC, PO Box 230381, Houston, Texas 77223; and Plaintiff Phillip Picone, by and through his attorney of record, Randall Kallinan, Kallinan Law PLLC, 511 Broadway Street, Houston, Texas 77012.

Defendant The City of Houston, Texas (“City” or “Houston”) serves these Objections and Responses to Plaintiffs’ First Set of Interrogatories pursuant to Federal Rule of Civil Procedure 26 and 33.



**DEFENDANT THE CITY OF HOUSTON, TEXAS’S OBJECTIONS AND
RESPONSES TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1:

Identify every person who provided information or assisted in any way in answering these Interrogatories and, for each person, please indicate the interrogatory with respect to which they provided information or assisted in answering.

ANSWER:

M. Lucille Anderson—interrogatories nos. 1-14
Ken Soh—interrogatories nos. 1-14
Renee Beckham—interrogatories nos. 7-9

INTERROGATORY NO. 2:

Identify each governmental interest allegedly supporting the Ordinance and the basis for how each interest justifies the Ordinance.

ANSWER:

Houston objects to this interrogatory to the extent it requests a comprehensive list of governmental interests supporting the Ordinance that are not specifically expressed in the recitals of City of Houston, Texas, Ordinance No. 2012-269. Houston also objects to this interrogatory to the extent it seeks to interfere with the legislative process. Subject to the foregoing objections, Houston is a Texas home-rule city operating under a municipal charter pursuant to Article XI, Section 5, of the Texas Constitution. *See* Tex. Const. art. XI, § 5. Houston enforces all laws of the State of Texas including but not limited to the Texas Health and Safety Code, the Texas Transportation Code, the Texas Business and Commerce Code, the Texas Penal Code, the Texas Property Code, the Texas Government Code, the Texas Administrative Code, and Houston ordinances enacted in coordination with such Texas laws. Houston specifically enumerates the governmental interests of protecting health, safety, and property in Houston, Texas, Ordinance No. 2012-269, as set forth more fully in the Ordinance itself.

INTERROGATORY NO. 3:

Identify all data, documents, memoranda, studies, and communications referenced or relied upon by the City Council in drafting the Ordinance’s fourth preamble statement: “WHEREAS, to ensure the safety of the food providers, the food, and the recipients of the food, it is necessary to amend Chapter 20 of the Code of Ordinances to include a voluntary process of coordination, training, and recognition for those individuals and organizations which provide such food.”

ANSWER: Houston objects to this request because it requests information subject to the attorney-client and legislative privileges. Houston also objects to this interrogatory to the extent it seeks to

interfere with the legislative process. Houston further objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objections, responsive documents have been produced from the date range January 1, 2011 through the passage of the Ordinance on April 4, 2012. *See, e.g.*, COH 080171-176; COH 110802-04; COH 075148-49; COH 002139-40; COH-081654-57; and COH-081804-05.

INTERROGATORY NO. 4:

Identify all data, documents, memoranda, studies, and communications referenced or relied upon by the City Council in drafting the Ordinance’s seventh preamble statement: “WHEREAS, such feeding activity, while well intended, often generates litter, refuse, waste food, and other unsanitary materials left behind on the property where the feeding occurs, to the detriment of the property owner and the health and safety of the general public.”

ANSWER: Houston objects to this request because it requests information subject to the attorney-client and legislative privileges. Houston also objects to this interrogatory to the extent it seeks to interfere with the legislative process. Houston further objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objections, responsive documents have been produced from the date range January 1, 2011 through April 4, 2012. *See, e.g.*, COH 002139-40; COH 075148-49; COH 080193; COH 080341; COH-080171-76; COH-081654-57; COH-081804-05; and COH 080336-372.

INTERROGATORY NO. 5:

Identify all City properties that the City has approved as locations for charitable food services since the passage of the Ordinance setting forth as to each: the name and address of the property, whether the property is a City park or other City property, and the years the property has been approved as a site for charitable feeding.

ANSWER:

Locations used in 2012 and 2014

Central Library Plaza at 521 Lamar Street (*See* COH 001531; COH 001682; COH 081650-51)
61 Riesner Street (*See* COH 112777-78)

City-owned property locations approved from 2012-2016:

Allen’s Landing at 1001 Commerce (*See* COH 001580; COH 001593)
James Bute Park at 512 McKee [Harris County park] (*See* COH 001130)
205 Chartres Street—undeveloped park (*See* COH 080336-372; COH 078969-74)
City Hall, 901 Bagby (*See* COH 001558-70; 1576-78)
Eastwood Park, 500 Harrisburg Blvd. (COH-074246; 074244)
Gold Guadalupe Plaza Park, 2311 Runnels St. (COH-074249)

Haden Park, 1404 Wittle Rd. ((COH-074248)
Levy Park at 3801 Eastside Street (*See* COH 001065)
Little Tranquility Park, 701 Bagby (COH-074246; 074244)
Memorial Park (*See* COH 001532)
George T. Nelson Park at 3820 Yellowstone Blvd., Picnic Pavillion (*See* COH 001131; COH 001227-28; COH 001162-65; COH 001237)
Peggy's Point and Peggy's Point Plaza Park at 4240 Main Street (*See* COH 001580; COH 002172; 074247)
Root Square Park at 1400 Clay Street (*See* COH 00158)
Tranquility Park at 400 Rusk (*See* COH 001018; COH 001048)
See also COH 001580-81; Homeless Food Services Distribution Chart 2/18/2011 (COH 080272-73)

Food and housing programs from 2019-2022:

Temporary Navigation Center: food and housing services from October 15, 2021 through October 31, 2022.

Navigation Center at 2903 Jensen Drive: food and housing services from January 30, 2023 to present.

Locations approved from 2022 to present:

61 Rieser Street (*See* COH 084926-28)

Locations approved from 2024 to present:

City-wide resource hubs planned to operate from multiple existing locations including multiple Salvation Army locations in the Greater Houston area, the Harris Center properties at 6160 South Freeway East, and Houston Recovery Center's Sobering Center at 150 N. Chenevert, Suite 100.

INTERROGATORY NO. 6:

Identify all City properties that were previously approved but that the City later removed as locations for charitable food services since the passage of the Ordinance setting forth as to each: the name and address of the property, the date the property was removed, and the reason for its removal.

ANSWER:

Locations approved from 2012-2016:

Allen's Landing at 1001 Commerce (*See* COH 001580; COH 001593)
James Bute Park at 512 McKee [Harris County park] (*See* COH 001130)
Central Library Plaza at 521 Lamar Street (*See* COH 001531; COH 001682)
205 Chartres Street—undeveloped park (*See* COH 080336-372; COH 078969-74)

Eastwood Park at 5000 Harrisburg Blvd (*See* COH 074244-46; 074249)
Gold Guadalupe Plaza Park at 2311 Runnels St. (*See* COH-074249)
Haden Park at 1404 Witte Road (*See* COH 074248)
Herrmann Square/ City Hall (*See* COH 074248)
Levy Park at 3801 Eastside Street (*See* COH 001065)
Little Tranquility Park at 701 Bagby (*See* COH 001018; COH 001048; COH 074246)
George T. Nelson Park at 3820 Yellowstone (*See* COH 001131; COH 001162-65; COH 001237)
Peggy's Point Plaza Park at 4240 Main Street (*See* COH 001580; COH 002172; COH 074247)
Root Square Park at 1400 Clay Street (*See* COH 00158)
Tranquility Park at 400 Rusk (*See* COH 074248)

All City Parks were temporarily suspended from the City's approval list as of the summer of 2016 due to problems with drugs including Kush, health hazards, trash, loitering and neighborhood complaints. (*See* COH 112783-88; COH 074244). The City coordinated with faith-based groups to provide alternate locations for feedings and other service for those in need during that time. (*See* COH 074244)

INTERROGATORY NO. 7:

Identify all food safety complaints received and/or investigated by the City arising from charitable food services at the Central Library setting forth as to each: the date of the complaint, the person or department receiving the complaint, the content of the complaint, any investigation undertaken as a result of such a complaint, the individuals involved in said complaint including the complainant and any witnesses, the details and outcome of each investigation.

ANSWER:

Houston objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objection, the City received a complaint in April 2020 regarding unsanitary conditions on the walls, pavement, flower beds and volunteers serving foods without masks at the Central Library, 500 McKinney; Complaint Investigation: Number 0914039. The investigation and resolution of the complaint are set forth more fully in COH 112779.

INTERROGATORY NO. 8:

Identify all food safety complaints received and/or investigated by the City arising from charitable food services on City property setting forth as to each: the date of the complaint, the location of the complaint, the person or department receiving the complaint, the content of the complaint, any investigation undertaken as a result of such a complaint, the individuals involved in said complaint including the complainant and any witnesses, and the details and outcome of each investigation.

ANSWER:

Houston objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objection, the City received a complaint in April 2020 regarding organization (MADD) feeding the homeless without a permit at 61 Riesner, Complaint Numbers 0456337 and 0456471. The investigation and resolution of the complaint are set forth more fully in COH 112777-78. *See also* City's food establishment regulations update overview (COH 002824)

INTERROGATORY NO. 9:

Identify all sanitation complaints received and/or investigated by the City arising from charitable food services on City property setting forth as to each: the date of the complaint, the location of the complaint, the person or department receiving the complaint, the content of the complaint, any investigation undertaken as a result of such a complaint, the individuals involved in said complaint including the complainant and any witnesses, and the details and outcome of each investigation.

ANSWER:

Houston objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objections, the City received a complaint in June 2023 regarding disorganization of feeding event and lack of water at 61 Riesner, Complaint Investigation Number 924018 (COH 112780). *See also* responsive documents that have been produced, including Memos from Dr. Lawson to Walter Hambrick dated August 10, 2022 (COH 084996-9; COH 110354-59); email from Dr. Lawson to Walter Hambrick dated January 14, 2023 (COH 110326); Special Events FY24 Review by Shawn Kuehr (COH 086086).

INTERROGATORY NO. 10:

Identify the complaints and incidents that City Attorney Arturo Michel referred to in his public statement in August of 2023 that there "have been complaints and incidents regarding the congregation of the homeless around the library, even during off hours."¹

ANSWER:

Houston objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objections, responsive documents have been produced. *See, e.g.,* Memo from Dr. Lawson to Walter Hambrick dated August 10, 2022 (COH 084996-9); Dr. Lawson accounting of threats including use of a weapon on January 14, 2023 (COH 110354-59; 112775-76); email from Dr. Lawson to Walter Hambrick and C.J. Messiah dated January 14, 2023 (COH 110329-30).

¹ City Attorney Arturo Michel's full public statement can be found here: <https://www.houstonpublicmedia.org/articles/news/city-of-houston/2023/08/04/458707/city-of-houston-plans-to-re-file-dismissed-cases-against-food-not-bombs-for-feeding-homeless-in-downtown/>.

INTERROGATORY NO. 11:

Identify the basis for the Parks Department suspending all charitable feeding services on Parks Department property in 2016 as described by Joe Turner on July 12, 2016 in document COH_004608.

ANSWER:

All City Parks were removed from the City's approval list in 2016 due to problems with drugs, including Kush, health hazards, trash, loitering and neighborhood complaints. The City coordinated with faith-based groups to provide alternate locations at that time. (*See* COH 004607; COH 112783-88; COH 048066).

INTERROGATORY NO. 12:

Describe the process for designating 61 Riesner as the only location for charitable food services in February of 2023, including identifying each person involved in this process and their role, the City's criteria for selecting approved charitable feeding locations, the consideration of other properties, and the basis for the selection of 61 Riesner.

ANSWER:

Houston objects to this request to this request because it requests information subject to the attorney-client and legislative privileges. Houston also objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objections, responsive documents have been produced. *See, e.g.*, COH 084926-28; COH 110354-58; COH 112774-76; COH 112783-88.

INTERROGATORY NO. 13:

Describe the process for updating the Health Department's rules and regulations governing charitable food service events on public property in 2023, including identifying each person involved in this process and their role, the Health Department's consideration of its prior rules and regulations governing charitable food service events on public property, and the basis for updating the rules.

ANSWER:

Houston objects to this request to this request because it requests information subject to the attorney-client and legislative privileges. Houston also objects that this interrogatory calls for a document search outside the agreed search terms governing the documents subject to discovery in this case. Subject to the foregoing objections, Director Steven Williams, Houston Health Department; Christopher Sparks, MPH, MPA, RS, Bureau Chief, Houston Health Department; and Patrick Key, former Assistant Director of Public Health, Houston Health Department all participated in drafting the 2023 updated HHD rules and regulations. In addition, responsive documents have been produced. *See, e.g.*, COH 110354-58.

INTERROGATORY NO. 14:

Describe the development and implementation of the City's Dinner to Home program, including identifying each person involved in developing the program and their role, the selection of vendors, funding sources for the program, the process for selecting the location for the program and days or nights of food service for the program, and the basis for the discontinuation of the program.

ANSWER: Houston objects to this request to this request because it requests information subject to the attorney-client and legislative privileges. Subject to the foregoing objections, on June 28, 2023, an ORDINANCE was proposed for the purpose of awarding and authorizing contract between City of Houston and BREAD OF LIFE, INC for the Dinner to Home Program for the Mayor's Office for Homeless Initiatives Development Department; providing a maximum contract amount - 1 Year with 1 one-year option - \$150,000.00 ARPA Recovery F. Houston City Council subsequently approved funding for the program to continue through July 2024.

**CITY OF HOUSTON - CITY
COUNCIL**

Meeting Date: 6/27/2023

Item Creation Date: 5/11/2023

L32680 - Dinner to Home

(Bread of Life, Inc.)

ORDINANCE

Agenda Item#: 28

Summary

ORDINANCE awarding and authorizing contract between City of Houston and **BREAD OF LIFE, INC** for the Dinner to Home Program for the Mayor's Office for Homeless Initiatives Development Department; providing a maximum contract amount - 1 Year with 1 one-year option - \$150,000.00 - ARPA Recovery Fund

Background

Formal Bids Received April 20, 2023, for P18-L32680 - Approve an ordinance awarding a contract to Bread of Life, Inc. for an initial funding amount of \$150,000.00 and a maximum contract amount of \$187,200.00 for the Dinner to Home Program for the Mayor's Office for Homeless Initiatives.

Specific Explanation

The Mayor's Office of Homeless Initiatives and the Chief Procurement Officer recommend that City Council approve an ordinance awarding a **one-year contract with one one-year option to renew to Bread of Life, Inc.** for an initial funding amount of \$150,000.00 and a maximum contract amount of \$187,200.00 for the Dinner to Home Program for the Mayor's Office for Homeless Initiatives. The initial funding amount will fund the first year and a portion of the one-year renewal option; the Mayor's Office for Homeless Initiatives will return to City Council if additional funding becomes available to fund the remaining term of the renewal. The Special

Assistant to the Mayor for Homeless Initiatives may terminate the contract at any time by giving thirty (30) days written notice to the Contractor, with a copy of the notice to the CPO.

The American Rescue Plan Act (ARPA) is a federal law that was signed into law on March 11, 2021 and was purposed to address the COVID-19 pandemic disaster relief on a national level. ARPA funds will be utilized for the services set out in this agreement. Contractor will be required to comply with all laws and regulations associated with these funds.

Bread of Life, Inc., through the Dinner to Home Program, will provide a hot meal to approximately 100 individuals who are homeless at a city-owned location at 61 Reisner St., Houston, TX 77002 for four (4) days of the week (Sun, Mon, Wed, Fri). Dinner will be served from 7:00 pm – 8:00 pm. The Contractor will provide tables, chairs, trash receptacles, water, and portable restrooms during each meal service. The Contractor will also conduct onsite housing assessments for those individuals receiving meals who may not otherwise have an opportunity to engage with the housing system.

The project was advertised in accordance with the State of Texas bid laws. Seven prospective bidders downloaded the solicitation document from SPD's e-bidding website and four bids were received as outlined below:

<u>Company</u>	<u>Total</u>
<u>Amount</u>	
1. Bread of Life, Inc.	\$187,200.00
2. Careers Recovery Resources	\$270,400.00
3. AYG Food Services DBA The Halal Guys	\$477,984.00
4. Charmains Southern Food Flare	\$202,945,600.00

The American Rescue Plan Act (ARPA) is a federal law that was signed into law on March 11, 2021 and was purposed to address the COVID-19 pandemic disaster relief on a national level. ARPA funds will be utilized for the services set out in this agreement. The Contractors will be required to comply with all laws and regulations associated with these funds.

Estimated Spending Authority			
Department	FY23	Out Years	Total
Mayor's Office	\$150,000.00	\$37,200.00	\$187,200.00

Dinner to Home

Homeless Feeding Program (location: 61 Riesner) Note: Does not include other feedings

	Nov-22	Dec-23	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Total
People Served	755	1,259	1,958	1,982	2,751	2,994	3,560	2,697	17,956
Feedings	10	13	18	16	19	13	15	15	119

Nightly Average (people served)	76	97	109	124	145	230	237	180
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	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Total
People Served	3,016	3,721	4,671	4,500	4,250	4,500	2,527	2,467	29,652
Feedings	18	17	17	18	17	18	15	15	135
Nightly Average (people served)	168	219	275	250	250	250	168	154	

The Dinner to Home Program was recently extended by Houston City Council, as follows:

CITY OF HOUSTON – CITY COUNCIL

Meeting Date: 6/11/2024

District I

Item Creation Date: 5/29/2024

L32680.A1 – Dinner to Home (Bread of Life, Inc.) – ORDINANCE

Agenda Item#: 38.

Summary

ORDINANCE amending Ordinance to increase maximum contract amount for contract between City of Houston and **BREAD OF LIFE, INC** for Dinner to Home Program for the Housing and Community Development Department - \$42,073.35 - ARPA Recovery Fund - **DISTRICT I - MARTINEZ**

Respectfully submitted,

ARTURO G. MICHEL

City Attorney

SUZANNE R. CHAUVIN

Chief, General Litigation Section

By: /s/ M. Lucille Anderson

M. Lucille Anderson

Sr. Assistant City Attorney III

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2025, I served the following attorneys with a true and correct copy of the foregoing document in pursuant to Federal Rules of Civil Procedure via electronic mail.

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/s/ M. Lucille Anderson

M. Lucille Anderson

Senior Assistant City Attorney